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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,649	08/08/2001	Joachim Kozlowski	tk102	1892

7590 08/27/2003

The Law Offices of Timothy J Kilma
Suite 330
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Washington, DC 20001

EXAMINER

FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/830,649

Applicant(s)

KOZLOWSKI, JOACHIM

Examiner

Omar Flores-Sánchez

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-25 is/are pending in the application.
- 4a) Of the above claim(s) 7-11,14,15,17-20,23 and 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,12,13,16,21,22 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Claims 7-10 and 17-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10. Also, claims 11, 14-15, 20, 23 and 24 are withdrawn from further consideration because depend from a nonelected species.

Information Disclosure Statement

2. The information disclosure statement filed 8/6/03 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. Foreign patent no. AT002658 has not been considered because there is no English translation.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the boundary faces must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 21 and 22 are indefinite because depend from a non-elected claim 20.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 5-6, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stauber in view of Aspinwall.

Stauber discloses the invention substantially as claimed including a knife support 59, a blade holder having a blade 39, a seam-shaped cutout (see Fig.8-9), boundary faces, a lock seam

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(Fig. 7), a threaded bore and screw means (Fig. 9). Stauber does not show boundary faces extending at angle of $< 90^\circ$ with respect to each other. However, Aspinwall teaches the use of boundary faces (12, 19 and 21) extending at angle of $< 90^\circ$ with respect to each other (Fig. 7) for the purpose of increasing the useful life of the bit. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stauber's device by providing boundary faces extending at angle of $< 90^\circ$ with respect to each other as taught by Aspinwall in order to increase the useful life of the holder blade and the blade.

8. Claims 12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stauber in view of Aspinwall as applied to claim 1 above, and further in view of Kutchmarek.

The modified device of Stauber discloses the invention substantially as claimed except for a coating material like diamonds. However, Kutchmarek teaches the use of a coating material like diamonds for the purpose of having the strength and/or durability to efficiently cut. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stauber's device by providing the coating material like diamonds as taught by Kutchmarek in order to obtain the strength and/or durability to efficiently trim products.

9. Claims 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stauber in view of Aspinwall as applied to claim 1 above, and further in view of Houser.

The modified device of Stauber discloses the invention substantially as claimed except for a curable adhesive. However, Houser teaches the use of a curable adhesive (col. 7, line 52-

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67) for the purpose of attaching the blades. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stauber's device by providing the curable adhesive as taught by Houser in order to reduce undesirable stresses in the blade due to the thermal expansion.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zurlo, Rathert and Hartlage are cited to show related device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 703-308-0167. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ofs
August 21, 2003


Allan N. Shoap
Supervisory Patent Examiner
Group 3700